

**FILED UNDER SEAL**

**EXHIBIT 278**

VINCENT FRAZER  
U.S. VIRGIN ISLANDS vs JP MORGAN CHASE

July 13, 2023

1

1 UNITED STATES DISTRICT COURT FOR THE

2 SOUTHERN DISTRICT OF NEW YORK

3 CASE NUMBER: 22-CV-10904-JSR

4 ACTION FOR DAMAGES

5 GOVERNMENT OF THE UNITED STATES )  
6 VIRGIN ISLANDS, )

7 Plaintiff, )

8 VS. )

9 JP MORGAN CHASE BANK, N.A., )

10 Defendant. )

11 -----

12  
13  
14  
15 VIDEO RECORDED DEPOSITION OF

16 VINCENT FRAZER

17 THURSDAY, JULY 13, 2023

18  
19  
20 REPORTED BY:

21 DENISE D. HARPER-FORDE  
22 Certified Shorthand Reporter (CSR)  
23 Certified RealTime Reporter (CRR)  
24 Certified LiveNote Reporter (CLR)  
25 Registered Professional Reporter (RPR)  
Notary Public (FLORIDA)

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1 give specific information as to where  
2 he would be residing when he was not  
3 in one of his own homes, when he was  
4 out Of the country particularly or out  
5 of whatever it's -- away from one of  
6 his own homes.

7 His concern was out of having  
8 to disclose whose residence he may  
9 have been staying in, and they  
10 expressed some apprehensions about  
11 making that information publicly  
12 available.

13 Q. Okay. What was your reaction  
14 to the various issues that his lawyers  
15 were raising?

16 ATTORNEY ACKERMAN: Object to  
17 form.

18 THE WITNESS: Initially my  
19 reaction was we would apply the law  
20 strictly the way the law was written.  
21 And so it required him, as other  
22 registrants, to come in and provide  
23 all of the information that is  
24 required by statute.

25 (BY ATTORNEY NEIMAN):

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1 Q. You said that was your initial  
2 reaction.

3 A. Yes.

4 Q. Did that change over time?

5 A. When -- yes. When his lawyer  
6 then began to explain and provide  
7 justification for their requests.

8 Q. And how did it change?

9 A. Well, we began to consider --  
10 we, myself and my staff, began to  
11 consider the facts that they had  
12 brought. Because until I received the  
13 request from Epstein's lawyers, I did  
14 not know him personally or by  
15 reputation. I didn't know anything  
16 about him.

17 So when the correspondence and  
18 information they provided indicated  
19 and explained that he was a --  
20 basically a financier, investment  
21 banker or something of that sort that  
22 required him to be very mobile and in  
23 and out of the territory on very short  
24 notice because he was in the type of  
25 business that required him to travel

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1 frequently. Then we considered that.

2 So we began to see whether or  
3 not the law could accommodate it.  
4 And, for the most part, initially it  
5 was determined that we could not  
6 accommodate the requests he was  
7 making.

8 Q. And, again, did that  
9 subsequently change over time?

10 A. Yes.

11 Q. In what way?

12 A. It changed in the discretion  
13 was given to the Attorney General that  
14 provided for a relaxation of some of  
15 the time requirement and notice, prior  
16 notice requirement for his travels.

17 Q. Okay. Did you ultimately  
18 grant him the accommodations that he  
19 was seeking?

20 A. To my recollection, we granted  
21 some by -- through the discretion of  
22 the Attorney General, we granted some  
23 relaxation.

24 Q. Was there -- withdrawn.

25 Was Mr. Epstein the first time

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1 the placement of the registrant to  
2 particular tiers. That's my  
3 recollection.

4 Q. Uh-huh. Let's look at Exhibit  
5 54 for a second -- or Tab 54 for --  
6 for which we'll call Exhibit 3.

7 (Whereupon, Defendant's  
8 Exhibit No. 3, Bill No.  
9 29-0239, was marked for  
10 identification)

11 (BY ATTORNEY NEIMAN):

12 Q. All right. Sir, do you  
13 recognize Exhibit 3 as the sex  
14 offender legislation that was passed  
15 in the summer of 2012?

16 A. I recognize Exhibit 3 to be a  
17 copy of Article 7372, which shows it  
18 was passed in 2012.

19 Q. Okay. If you look at the last  
20 page of the exhibit, you can see the  
21 seal of the Governor. Do you see  
22 that?

23 A. Yes.

24 Q. And it's dated July 18th of  
25 2012. Do you see that?

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1 A. Yes.

2 Q. So that's the day in which  
3 this bill was signed into law?

4 A. Yes.

5 Q. Okay. And this is a law  
6 you're familiar with?

7 ATTORNEY ACKERMAN: Object to  
8 form.

9 THE WITNESS: I used to be  
10 familiar.

11 (BY ATTORNEY NEIMAN):

12 Q. Sure. I'm not expecting you  
13 to remember off the top of your head  
14 every detail. But there was a time  
15 when it was part of your job to be  
16 familiar with this law?

17 A. Yes.

18 Q. Okay. And let's just take a  
19 look at the tiering statute, tiering  
20 portion of the statute just so we can  
21 see if we agree on how this works.

22 If you turn to page 9 of the  
23 statute, you'll see a Section 1721B,  
24 Tier Defenses. Do you see that?

25 A. Yes.

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1 has concluded its effort to draft  
2 proposed legislation."

3 Do you see that?

4 A. Yes.

5 Q. What was this task force?

6 A. Well, it was a task force we  
7 assembled to assist us with drafting  
8 new and upgrading of our SORNA law.

9 Q. All right. And the article  
10 references a 2011 deadline for  
11 upgrading the law to be in compliance  
12 with SORNA. Do you see that?

13 A. Okay. You say it here. I  
14 haven't seen it yet, but...

15 Q. What was that deadline as you  
16 recall it?

17 A. I don't recall.

18 Q. All right.

19 A. They may have had a deadline  
20 for us to be in compliance with  
21 Federal law. I don't remember what it  
22 was.

23 Q. And was compliance with that  
24 Federal law important to getting  
25 funding to support your registration



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1 program?

2 A. Yes.

3 ATTORNEY ACKERMAN: Object to  
4 form.

5 (BY ATTORNEY NEIMAN):

6 Q. Did the Virgin Islands get its  
7 new legislation passed by the July  
8 2011 deadline?

9 A. I don't recall.

10 Q. We just looked at some  
11 legislation that was passed in the  
12 summer of 2012, correct?

13 A. Yes.

14 Q. So that would be a year after  
15 the deadline, right?

16 A. If that's what the dates  
17 show.

18 Q. Take a look.

19 A. Yeah.

20 Q. Do you remember why it was  
21 that the Virgin Islands missed the  
22 statutory deadline?

23 A. I don't recall. We may have  
24 gotten an extensions, I think. I  
25 think we had gotten extensions on it.

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1 Q. Do you know why if the statute  
2 was drafted by the task force in April  
3 of 2011, as this article indicates,  
4 that it didn't get passed for another  
5 more than a year?

6 ATTORNEY ACKERMAN: Object to  
7 form.

8 THE WITNESS: I don't recall  
9 why. You notice the -- the proposed  
10 legislation required Federal review as  
11 well. So that may have been part of  
12 the time span as well.

13 (BY ATTORNEY NEIMAN):

14 Q. Do you remember that that was  
15 part of the time span or are you just  
16 guessing?

17 A. No, I see reference to it in  
18 the article.

19 Q. The article says that the  
20 legislation will be sent to the Office  
21 of the Governor, the U.S. Department  
22 of Justice and the Virgin Islands  
23 legislature for adoption. Do you see  
24 that?

25 A. Yes.

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1 Q. Do you know whether DoJ --  
2 excuse me -- whether U.S. DoJ approval  
3 was required before the Virgin Islands  
4 legislature could adopt the statute?

5 A. Yes, sir.

6 Q. Yes, you do know or yes, it  
7 was required?

8 A. The answer is yes, it was  
9 required.

10 Q. Okay. Do you remember there  
11 being any delay in getting the  
12 approval from the U.S. Department of  
13 Justice?

14 A. I wouldn't say there was --  
15 there were back and forth between us  
16 and Department of Justice, adjustments  
17 they may have required that we may  
18 have had to send back up to get the  
19 approval.

20 Q. Uh-huh. Do you recall that  
21 being a significant source of delay in  
22 getting --

23 A. I don't recall.

24 Q. -- the statute passed?

25 ATTORNEY ACKERMAN: Object to

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1 days. Otherwise, I could not go for a  
2 day trip to Tortola at the last  
3 minute."

4 Do you see that?

5 A. Okay. Yes.

6 Q. From your point of view, sir,  
7 how important was it in constructing  
8 sex offender registration legislation  
9 that it permit Mr. Epstein to make  
10 spontaneous trips to Tortola?

11 ATTORNEY ACKERMAN: Object to  
12 form.

13 THE WITNESS: My understanding  
14 of the SORNA law, purpose was not to  
15 restrict a person's movement. It was  
16 to follow, to monitor the movement.

17 (BY ATTORNEY NEIMAN):

18 Q. Okay. Let me ask you the  
19 question in a slightly different way,  
20 sir. From your point of view -- well,  
21 withdrawn.

22 Sir, do you think there was  
23 any law enforcement interest in  
24 structuring a sex offender  
25 registration law such that it would

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1 A. -- and poor people.

2 Q. And you -- we're not talking  
3 about -- Mr. Epstein going to Tortola  
4 for a day because he's a charter boat  
5 captain and needs to do it for his  
6 work. We're talking about someone who  
7 is expressing desire to go for  
8 pleasure. Was that important to  
9 facilitate in the SORNA legislation?

10 A. The SORNA legislation, you  
11 referenced the conference that was  
12 held in the -- working on the SORNA  
13 law. One of the reasons that the task  
14 force was assembled, which was --  
15 included persons from various agencies  
16 within the government and some private  
17 -- private stakeholders, was because  
18 our law was what I would call a  
19 first-generation SORNA law. And there  
20 hadn't been any upgrade of that law  
21 for quite some time.

22 And there was a  
23 requirement the feds recognized, and  
24 we agreed with them, we need to  
25 upgrade the law. And there were --

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1 A. Right. I'm --

2 ATTORNEY ACKERMAN:

3 Objection.

4 THE WITNESS: I'm saying that  
5 I may have seen that -- whether what I  
6 saw was this Exhibit 10 I don't  
7 recall.

8 (BY ATTORNEY NEIMAN):

9 Q. Don't recall one way or the  
10 other?

11 A. I don't recall.

12 Q. You were certainly involved in  
13 some of the discussions with  
14 Mr. Epstein's counsel about what  
15 changes they wanted to see in the  
16 legislation?

17 ATTORNEY ACKERMAN: Objection;  
18 misstates prior testimony.

19 THE WITNESS: What changes  
20 they proposed as suggestions or  
21 changes, yes.

22 (BY ATTORNEY NEIMAN):

23 Q. Okay. And then you can see on  
24 the first page that Ms. Carbon writes  
25 to Ms. Hodge on June 25th, "Attached

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1 is our counterproposal."

2 Do you see that?

3 A. Yes.

4 Q. Was it important from your  
5 perspective to try to reach some kind  
6 of agreement on a proposal with  
7 counsel for Mr. Epstein?

8 ATTORNEY ACKERMAN: Objection  
9 to form.

10 THE WITNESS: It was no less  
11 important as how -- consideration we  
12 would give to any citizen that has an  
13 interest in pending legislation that  
14 we may be willing to hear from them.

15 (BY ATTORNEY NEIMAN):

16 Q. Uh-huh. So it's normal in  
17 your practice when you're considering  
18 criminal justice regulation to make  
19 sure it's agreeable to the prospective  
20 offenders that the legislation --

21 A. We have had --

22 Q. -- will regulate -- to the  
23 prospective offenders that the  
24 legislation will regulate?

25 ATTORNEY ACKERMAN: Objection

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1 to form.

2 THE WITNESS: We have had --  
3 I've had -- my experience, several  
4 times, in maybe legislation that is  
5 pending that we receive commends and  
6 concerns from defense counsel, whether  
7 it be private counsel or the Public  
8 Defender's Office, and we give some  
9 consideration to what they may be  
10 requesting.

11 It doesn't mean we would agree  
12 them and put what they want in it.  
13 But if we feel that it does not  
14 obstruct the objective and efficacy of  
15 the legislation, we would engage in  
16 that discussion.

17 (BY ATTORNEY NEIMAN):

18 Q. So you're saying it would be  
19 typical for you to share back and  
20 forth drafts and see if you can reach  
21 agreement with the offenders on  
22 whether they like the legislation  
23 you're proposing?

24 ATTORNEY ACKERMAN: Objection  
25 to form.



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1 THE WITNESS: That's not what  
2 I said.

3 (BY ATTORNEY NEIMAN):

4 Q. Okay. Would you agree that  
5 that's what happened here?

6 A. No.

7 ATTORNEY ACKERMAN: Objection  
8 to form.

9 (BY ATTORNEY NEIMAN):

10 Q. There wasn't a back and forth  
11 with counsel for the offender?

12 ATTORNEY ACKERMAN: Objection  
13 to form.

14 (BY ATTORNEY NEIMAN):

15 Q. You can answer.

16 A. I had discussions back and  
17 forth with legal counsel.

18 Q. For the offender?

19 A. Maria -- Maria Hodge represent  
20 a whole lot of different people. When  
21 I speak to Maria -- when I speak to  
22 Maria Hodge in -- in this exchange on  
23 this, I am extending a courtesy to a  
24 member of the Virgin Islands bar in  
25 trying to craft a legislation that

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1 affects the -- the whole Virgin  
2 Islands, everyone in the Virgin  
3 Islands.

4 So that's who I'm negotiating  
5 with. I'm not negotiating with  
6 Epstein. I don't have anything with  
7 Epstein. I wasn't -- I had the  
8 exchange and proposals with Attorney  
9 Hodge --

10 Q. All right.

11 A. -- who at the same time had, I  
12 think from -- from what you show from  
13 Exhibit 12 -- well, I'm sorry, one of  
14 the exhibits, was having -- was  
15 making -- submitting her proposal to  
16 the legislature as well. So the  
17 passage of the law, I mean, it comes  
18 from many different sources.

19 Q. Yeah. Did you think Ms. Hodge  
20 was working for anybody other than  
21 Mr. Epstein?

22 A. I had an exchange with  
23 Attorney Maria Hodge as a respected  
24 member of the Virgin Islands bar. And  
25 regardless of who she's working for, I

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1 will give her the same respect.

2 Q. That's not what I asked you,  
3 sir.

4 A. Well, that's what I'm telling  
5 you, that's how it is.

6 Q. Did you --

7 A. That's what -- but regardless  
8 of who -- if Maria Hodge represents  
9 someone who is a murderer --

10 Q. Uh-huh.

11 A. -- and there is a legislation  
12 that is -- that is going through that  
13 she has an interest that may have an  
14 impact with her client, I will engage  
15 in a discussion with her with regard  
16 to the law, a proposed law, as a  
17 courtesy and respect to her as a  
18 respected member of the bar.

19 Q. So I'm going to resist the  
20 urge here. I'll ask you a different  
21 question. Let me just make sure I  
22 understand who you thought Ms. Hodge  
23 represented in the time that you were  
24 having this dialogue. Am I correct  
25 that you understood that Ms. Hodge

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1 THE WITNESS: No, I'm good.

2 ATTORNEY NEIMAN: All right.

3 Let's keep going then.

4 ATTORNEY NEIMAN: Let's go to

5 -- I'll will show you a new exhibit,  
6 sir.

7 ATTORNEY ACKERMAN: Is this  
8 18?

9 ATTORNEY NEIMAN: Yeah. We'll  
10 call this Exhibit 18.

11 (Whereupon, Defendant's  
12 Exhibit No. 18, Letter dated  
13 March 14, 2019, was marked for  
14 identification)

15 (BY ATTORNEY NEIMAN):

16 Q. All right. And if you could  
17 turn in Exhibit 31 to the page with  
18 Bates number 12480.

19 A. To Exhibit 18?

20 Q. Exhibit 18. Yeah, I'm sorry.  
21 It's Exhibit 31 in my book, but it's  
22 Exhibit 18 for you. If you could turn  
23 to the page 12480 at the bottom. All  
24 right, sir?

25 A. What page? I was looking at

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1 the date.

2 Q. 12480. Let me know when  
3 you're there.

4 A. Okay.

5 Q. Okay. So this is a letter  
6 dated July 16th, 2012 to you from Ms.  
7 Hodge. Do you see that?

8 A. Yes.

9 Q. And the topic of the letter in  
10 the Re line is a request pursuant to  
11 Bill 29-0239 for reduction/approval of  
12 notice procedures for travel outside  
13 the Virgin Islands by Jeffrey Epstein.  
14 Do you see that?

15 A. Yes.

16 Q. And in the first sentence of  
17 the letter, Ms. Hodge thanks you for  
18 meeting with her and Mr. Indyke on  
19 Friday, July 13th, to discuss  
20 implementation of the new travel  
21 notice procedures for registered sex  
22 offenders. Do you see that?

23 A. Yes.

24 Q. And that's a meeting that you  
25 had with them actually before the

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1 Governor had even signed the bill into  
2 law. Isn't that right?

3 A. I'm sorry. You have a  
4 question?

5 Q. Yeah. My question was --

6 A. I'm sorry.

7 Q. -- the meeting that you had  
8 with Mr. Epstein's counsel to discuss  
9 giving him a reduction of notice  
10 procedures was before the law, the new  
11 bill, had even been signed into law by  
12 the Governor, right?

13 A. Yes, it appears so.

14 Q. Okay.

15 A. Uh-huh.

16 Q. Do you recall that meeting?

17 A. No, I do not.

18 Q. All right. You can see this  
19 is a several-page letter that they  
20 have submitted to you with laying out  
21 what they're asking for. And then if  
22 you turn to page 12483, you can see a  
23 letter from you to Ms. Hodge on July  
24 25th, so about nine days after her  
25 letter to you. Do you see that?

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1 A. Yes. I see that.

2 Q. All right. And you indicate  
3 in -- withdrawn.

4 I take it this July 25th, 2012  
5 letter is your response to Ms. Hodge's  
6 letter to you of July 16th. Fair?

7 A. Yes.

8 Q. And what you say in your  
9 letter in the second paragraph is,  
10 quote, "It is my understanding that  
11 Mr. Epstein's business activities  
12 require him to make frequent and often  
13 unexpected trips out of the territory  
14 to United States destinations and to  
15 international destinations."

16 Do you see that?

17 A. Yes.

18 Q. And you say in the next  
19 paragraph, "Based upon your  
20 representation and that of Attorney  
21 Darren Indyke, we will grant the  
22 waiver."

23 Do you see that?

24 A. Yes.

25 Q. And then you lay out certain

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1 conditions for the waiver, correct?

2 A. Yes.

3 Q. Am I correct, sir, that this  
4 grant of a waiver, as you say here,  
5 was based on the representations of  
6 Ms. Hodge and Mr. Indyke and not on  
7 any evidence they presented to you?

8 ATTORNEY ACKERMAN: Objection  
9 to form.

10 THE WITNESS: It was based on  
11 the information's that they  
12 provided.

13 (BY ATTORNEY NEIMAN):

14 Q. And that information was  
15 what's set forth in the letter of July  
16 16th, correct?

17 ATTORNEY ACKERMAN: Objection  
18 to form.

19 THE WITNESS: At least that at  
20 minimum.

21 (BY ATTORNEY NEIMAN):

22 Q. Can you identify any --

23 A. If there's anything else, I  
24 can't recall.

25 Q. Okay. You can't identify



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1 anything else they provided you?

2 A. I can't recall if there was  
3 anything else.

4 Q. Okay. All right. And then  
5 you can see that if you turn the page  
6 again to page 12485, you will see that  
7 you got an immediate letter back from  
8 Ms. Hodge asking for further waivers.

9 You see that?

10 A. Yeah.

11 Q. And what Ms. Hodge writes to  
12 you in the first paragraph of her  
13 response letter is -- let's see. The  
14 first sentence indicates that she's  
15 received your letter. In the second  
16 sentence, he says, "We appreciate the  
17 consideration given to Mr. Epstein's  
18 frequent travel requirements.  
19 However, we still have serious  
20 concerns regarding what we believe are  
21 undue restrictions placed on  
22 Mr. Epstein's travel in the conduct of  
23 his business and professional  
24 activities."

25 Do you see that?

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1 A. Yes.

2 Q. Can you recall anything  
3 specific that Ms. Hodge told you about  
4 the nature of Mr. Epstein's business  
5 and professional activities?

6 A. I don't recall.

7 Q. And do you recall ever seeing  
8 any documents or any evidence from  
9 anyone other than his lawyers showing  
10 that his business and professional  
11 activities required frequent travel?

12 A. I don't recall if I received  
13 anything else.

14 Q. Okay. Do you recall that you  
15 granted the waiver that Ms. Hodge  
16 requested in this follow-up letter?

17 A. Yes.

18 Q. Why did you grant it?

19 A. I was satisfied with the  
20 representations that were made by his  
21 counsel; and to the extent there was  
22 additional materials submitted, I --  
23 it was sufficient for me to reconsider  
24 my decision.

25 Q. Are you saying that there was

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1 there were less information about his  
2 activities at that time --

3 Q. Uh-huh.

4 A. -- than now.

5 Q. Okay. But we saw that in the  
6 file of your organization, there was  
7 the 2010 article from The Daily Beast  
8 about how he had more -- that the --  
9 how the federal investigation had  
10 identified more than 40 victims.  
11 Remember that?

12 A. That wasn't sufficient to  
13 me.

14 Q. Did the staff tell you that?

15 A. I don't recall if they told me  
16 that.

17 Q. Okay. But it wouldn't have  
18 mattered?

19 A. Would it have mattered to --  
20 for me to say -- to try to restrict  
21 him in the Virgin Islands from going  
22 to Los Angeles? Probably not. That's  
23 not my role.

24 Q. Okay.

25 A. My role is that when he's in

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1 the Virgin Islands I know where he is.  
2 When he's not in the Virgin Islands, I  
3 know where he is. That's what the  
4 role of our monitor, our registry was.

5 Q. Okay. And you think you know  
6 where he is if you know what city he's  
7 in --

8 A. If I know what city he's in --

9 Q. -- even though you don't know  
10 where -- hold on. Let me finish  
11 asking my question.

12 A. Sorry.

13 Q. You think it satisfied the law  
14 enforcement interest in knowing where  
15 he is if you know what city he's in?

16 ATTORNEY ACKERMAN: Objection  
17 to form.

18 THE WITNESS: It was  
19 satisfactory to me in 2012.

20 (BY ATTORNEY NEIMAN):

21 Q. Okay. Did your staff tell you  
22 that he had settled cases with a dozen  
23 women paying more than a million  
24 dollars each?

25 A. I don't recall.

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1 it's a matter of an agent going to  
2 their place of residence in a car and  
3 making a check. It required more than  
4 that to go to Little St. James to  
5 check on him also. So we didn't have  
6 a planned program of how many times he  
7 will be checked.

8 ATTORNEY NEIMAN: Okay. Let's  
9 take a look, if we could, at --

10 COURT REPORTER: If we could  
11 take a quick break?

12 ATTORNEY NEIMAN: Sure.

13 COURT REPORTER: Thank you.

14 VIDEOGRAPHER: Off the record  
15 at 5:12.

16 (Off the record)

17 (Back on the record)

18 VIDEOGRAPHER: On the record.  
19 The time is 5:27 P.M.

20 (BY ATTORNEY NEIMAN):

21 Q. Good afternoon, Mr. Frazer.

22 A. Good afternoon.

23 Q. Sir, am I correct that in  
24 order to enter or leave the Virgin  
25 Islands from the United States, you

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1 need to clear customs?

2 A. Yes.

3 Q. And that's true even if you're  
4 flying on a private plane?

5 A. Yes.

6 Q. As the Attorney General of the  
7 Virgin Islands, did you have the  
8 ability, if you had a law enforcement  
9 reason, to find out who was traveling  
10 on a particular plane that entered the  
11 Virgin Islands?

12 ATTORNEY ACKERMAN: Object to  
13 form.

14 THE WITNESS: Yes, I imagine I  
15 could.

16 (BY ATTORNEY NEIMAN):

17 Q. Did you ever try to find out  
18 who was traveling with Jeffrey Epstein  
19 on his private jet?

20 A. No.

21 Q. All right. We were taking  
22 before the break about the monitoring  
23 program. I was going to show you a  
24 document related to that.

25 ATTORNEY NEIMAN: If we could

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1 that she worked for him.

2 Q. Okay. And how did you learn  
3 that she worked for him?

4 A. I don't recall how I knew, how  
5 it came to my attention then. It  
6 didn't --

7 Q. Okay. Your letter granting  
8 the discretionary waiver states  
9 that -- in fact, let's just pull it  
10 out.

11 Do you have Exhibit 4 in front  
12 of you?

13 A. Yeah.

14 Q. If you would turn at the  
15 bottom to the page that's 12263,  
16 please. Let me know when you have  
17 that in front of you.

18 A. Yes.

19 Q. And this is one of the letters  
20 that you sent to Attorney Hodge  
21 specifying the conditions of the  
22 discretionary waiver that you granted  
23 Mr. Epstein, correct?

24 A. Yes.

25 Q. Okay. And if you look at the

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1 third full paragraph of that letter,  
2 it states, "Based upon your  
3 representation and that of Attorney  
4 Indyke."

5 Did I read that correctly?

6 A. Yes.

7 Q. And what representations were  
8 you referring to there?

9 A. I believe you saw in the  
10 record several letters from Attorney  
11 Maria Hodge and Attorney Indyke and  
12 the meetings that were had. So the  
13 representation includes the totality  
14 of all of the correspondence and the  
15 discussions and the meetings.

16 Q. So if you would go to Exhibit  
17 5, please. I'm sorry. Nope, stick  
18 with Exhibit 4, and go to the page  
19 that is the letter that begins at  
20 Bates number 12246. Let me know when  
21 you're there.

22 A. Okay. Yes.

23 Q. And is this letter that begins  
24 at page 12246 a letter that you  
25 received from Mr. Indyke?



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1 A. Yes.

2 Q. And does this letter contain  
3 representations upon which you relied  
4 in exercising your discretion to make  
5 decisions regarding Mr. Epstein's  
6 notification requirements?

7 A. Yes.

8 Q. Okay.

9 A. This was included.

10 Q. Okay. I'm sorry. You said  
11 this was?

12 A. Included, yes.

13 Q. Okay. If you would turn,  
14 please, to page 2 of this letter --

15 A. Uh-huh.

16 Q. -- I want to direct your  
17 attention to the paragraph that begins  
18 first. It's the first full paragraph  
19 on that page.

20 A. Yes.

21 Q. Are you with me?

22 A. Yes.

23 Q. Okay. The second -- yes. The  
24 second sentence of that paragraph  
25 reads, "Mr. Epstein has followed the

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1 same procedure in the State of  
2 Florida, the very same jurisdiction of  
3 Mr. Epstein's conviction which gave  
4 rise to his registration requirement,  
5 where Mr. Epstein is permitted to  
6 provide E-mail notification of his  
7 arrival and departure."

8 Did I read that correctly?

9 A. Yes.

10 Q. And is that a representation  
11 upon which you relied in formulating  
12 your decision --

13 A. That representation --  
14 however, remember that I also had my  
15 staff to research the requirements  
16 from Florida and New York, the two  
17 particular jurisdictions that we were  
18 dealing with Epstein.

19 Q. Okay. And if you look at the  
20 next sentence, it reads, "Mr. Epstein  
21 provides E-mail notification to the  
22 State of New Mexico when he travels to  
23 and from his vacation home in that  
24 jurisdiction."

25 Did I read that correctly?

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1 A. Yes.

2 Q. And is that a representation  
3 upon which you relied?

4 A. Yes.

5 Q. Okay. That same sentence  
6 references the State of New York. Do  
7 you see that?

8 A. Yes.

9 Q. And did you rely on Mr.  
10 Indyke's representations regarding the  
11 State of New York?

12 A. That and the research that we  
13 had done --

14 Q. Okay.

15 A. -- my staff had done.

16 Q. If you look at the next  
17 paragraph, sir, the one that begins  
18 "Communication between the Department  
19 of Justice," let me know when you're  
20 there?

21 A. Yes.

22 Q. Okay. Would you please  
23 read -- well, let me read the last  
24 sentence of that paragraph where Mr.  
25 Indyke writes, "In short, I believe,

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1 as do the states of Florida, New  
2 Mexico and New York, that there is no  
3 public safety necessity in requiring  
4 Mr. Epstein to notify the Department  
5 in person each time he travels to or  
6 from the jurisdiction."

7 Did I read that correctly?

8 A. Yes.

9 Q. And is that part of the -- of  
10 the representations made upon which  
11 you relied?

12 A. We took it into  
13 consideration.

14 Q. Okay. I'll ask you a  
15 question, sir, while I look for this  
16 next document. You mentioned earlier  
17 that you believe there was not the  
18 same type of information about  
19 Mr. Epstein known in 2012 or available  
20 in 2012 as is available now. What did  
21 you mean by that?

22 A. I think in 2012, as I  
23 indicated, I think 2011, at the time  
24 that Mr. Epstein came up on our radar  
25 in the sexual offender office was the

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1 and the law provide for latitude for  
2 an exercise of discretion. Based on  
3 the totality of the information that  
4 was given to me, I made a decision  
5 based on that.

6 Q. If you would look at Exhibit  
7 22, please. Actually take it back.  
8 We can -- let's stick with Exhibit 21.

9 A. Uh-huh.

10 Q. There's an insinuation in  
11 Exhibit 21 that either you or Senator  
12 Russell did one thing or said one  
13 thing and did another. Do you see  
14 that?

15 A. Yes.

16 Q. Do you have any -- any  
17 suspicion as to where that suggestion  
18 may have come from?

19 A. No, I don't. Certainly I  
20 don't know what -- in reference to  
21 what Senator Russell may have done, I  
22 don't know what they may be speaking  
23 of. In some of these it makes to, I  
24 suppose it's suggestion that I did  
25 something contrary to what I may have

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1 indicated previously. And I think  
2 it's kind of a vague notion on what  
3 may be referenced.

4 Q. Okay. And what is that vague  
5 notion?

6 A. I think the meetings that they  
7 -- the meetings that were had when we  
8 -- you saw that Attorney Anderson and  
9 Attorney Carbon met with Maria Hodge  
10 and Attorney Indyke. I was off  
11 island. I think I may have been on  
12 vacation or something or at a  
13 conference or something. And they  
14 were -- they met with Maria Hodge, and  
15 there may have been some exchange and  
16 some, I think, misunderstanding as to  
17 our agreement on language.

18 And when I got back, my  
19 representation from me may have been  
20 contrary to what they may have  
21 misunderstood. And so where they may  
22 have thought we had agreement, we may  
23 not have had agreement on it. And  
24 that may be some of what they were  
25 talking about.

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1                   As to exactly what part of it,  
2   I don't recall what part, but I think,  
3   as I think back, that may be some of  
4   what they're referring to.

5           Q.   Okay.   Speaking of going on  
6   vacation, there was some testimony  
7   earlier today, earlier this afternoon  
8   about trips to Tortola.   Do you recall  
9   that?

10          A.   Yes.

11          Q.   Okay.   Where -- how does one  
12   get to Tortola from the U.S. Virgin  
13   Islands?

14          A.   Take a ferry from Red Hook,  
15   close over here, or a ferry from  
16   downtown St. Thomas.

17          Q.   How long a ferry ride is it?

18          A.   It's about 45 minutes.

19          Q.   How common -- or how often  
20   does that ferry run?

21          A.   The ferry runs about probably  
22   maybe every -- probably not every  
23   hour.   Maybe probably every -- because  
24   you have three ferry companies.  
25   So probably like maybe three within

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1 three-hour time of ferries leaving.

2 Q. Okay. And does that run --

3 A. Very frequent.

4 Q. Does it run seven days a  
5 week?

6 A. Yes.

7 Q. And is it -- in your  
8 experience as a native Virgin  
9 Islander, is it common for residents  
10 of the Virgin Islands to visit  
11 Tortola?

12 A. Very much so.

13 Q. Okay. There was reference  
14 earlier to the U.S. Customs and Border  
15 Protection. Do you recall that  
16 testimony?

17 A. Yes.

18 Q. And so just to be clear, when  
19 an individual leaves the Virgin  
20 Islands, that individual has to clear  
21 customs, correct?

22 A. Yes.

23 Q. And is that customs check  
24 performed by the Government of the  
25 Virgin Islands?



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1 A. No, it's not.

2 Q. Who performs that customs  
3 check?

4 A. The custom check is done by  
5 the Federal United States Custom and  
6 Border Protection agency.

7 Q. Did the -- to your knowledge,  
8 did the Federal Custom and Border  
9 Protection agency ever advise law  
10 enforcement officials in the Virgin  
11 Islands of any suspicion or suspicious  
12 activity concerning Mr. Epstein's  
13 travels?

14 A. They never informed me. I'm  
15 not aware they ever informed the  
16 Police Commissioner.

17 Q. Mr. Frazer, or Attorney  
18 Frazer --

19 A. Uh-huh.

20 Q. -- do you believe that the  
21 waivers that you granted in your  
22 discretion enabled Mr. Epstein to  
23 engage in sex trafficking?

24 ATTORNEY NEIMAN: Objection,  
25 foundation. You can answer it.

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1 THE WITNESS: No, I don't  
2 believe so.

3 (BY ATTORNEY ACKERMAN):

4 Q. And why don't you believe so?

5 A. Our job was to monitor his  
6 presence within the territory or out  
7 of the territory. What he does while  
8 he's out of the territory we have no  
9 way of knowing. When he's on there --  
10 when he is in the territory, what he's  
11 doing in his home, we are not aware  
12 of.

13 As related to your question  
14 you just asked, it's when he comes  
15 into the territory, we know he -- he  
16 is present in the territory by virtue  
17 of his registration at Department of  
18 Justice. Who may be -- who may have  
19 flew in with him on his private jet,  
20 the Government of the Virgin Islands  
21 officials would not know. U.S.  
22 Customs and Border Patrol would know.  
23 But they've never indicated that they  
24 had any reason, any suspicious as to  
25 who was coming in with him and going

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1 out with him.

2 So I -- you know, I don't  
3 believe that there was anything that  
4 we did that accommodated from the  
5 Department of Justice in the sexual  
6 offender office that accommodated or  
7 -- or in any way facilitated his  
8 illegal activity.

9 Q. Are you aware under the Virgin  
10 Islands SORNA Statute of a requirement  
11 for an offender to register in person  
12 at least once a year?

13 A. I can't recall honestly.

14 Q. Okay.

15 A. Well, let me think about it.  
16 I believe at minimum, all registrants  
17 are required to register at least once  
18 a year. Those on lower tiers may have  
19 to -- or higher tiers have to report  
20 more than once a year.

21 Q. Do you know whether  
22 Mr. Epstein registered in person at  
23 the Department of Justice at least  
24 once a year?

25 A. I would expect that he did. I